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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/158,728 09/22/98 WEIRATHER

S 310048-355

IM62/0705
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EXAMINER

CHEVALIER, A

ART UNIT

PAPER NUMBER

1772

DATE MAILED:

07/05/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/158,728

Applicant(s)
Weirather et al.

Examiner
Alicia Chevallier

Group Art Unit
1772



- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

- ☒ Claim(s) 1-72 and 141 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-72 and 141 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 8
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-7, 9, 16, 25-28, 30, 41, 45, 53, 55, and 72 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 is unclear which renders the claim vague and indefinite. It is unclear if applicant is claiming 1) the ability to remove the laminate facestock or 2) the liner sheet without the laminate facestock. In scenario 1 the laminate facestock need only the ability to be removed and in scenario 2 all that would be claimed is a liner sheet.

Claim 5 is unclear which renders the claim vague and indefinite. It is unclear how the facestock cut lines define an edge of the strip of the liner sheet.

The term "glossy cardstock" in claims 7, 30, 41, 53, and 72 is unclear and renders the claims vague and indefinite. It unclear what materials are covered by "glossy cardstock".

Claim 9 is unclear which renders the claim vague and indefinite. Is applicant trying to claim a laminate facestock with a discontinuous/alternating liner sheet strips, the ability to remove alternating liner sheet strips, or a process of printing.

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Claim 16 is unclear which renders the claim vague and indefinite. It is unclear if applicant is trying to claim a process or the a facestock laminate with a continuous liner sheet.

Claims 25 and 26 are unclear which renders the claims vague and indefinite. Is applicant trying to claim a laminate facestock with a discontinuous/alternating liner sheet strips, the ability to remove alternating liner sheet strips, or a process of printing.

Claim 27 is unclear which renders the claim vague and indefinite. It is unclear if applicant is trying to claim the liner sheet strips removed or not. Also, does only extend only part way mean to the cut line in the liner sheet or does the liner sheet only covers part of the laminate facestock.

The term "dry tag sheet" in claim 45 is unclear and renders the claim vague and indefinite. It unclear what materials are covered by "dry tag sheet".

Claim 55 is unclear and renders the claim vague and indefinite. It is unclear if applicant is trying to claim the facestock with out the liner or the ability to remove the liner.

The phrase "wavy curving side edges" in claim 58 is unclear and renders the claim vague and indefinite. It is unclear what "wavy curving side edge" means.

2. For the purpose of the following rejections under 35 U.S.C. 102 and 35 U.S.C. 103 little weight is given to process limitations. Determination of patentability of product-by-process claims is based on the product itself and does not depend on the product's method of production.

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Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6, 8-12, 14-17, 20-29, 31-40, 42-53, 55-70, and 141 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klein (5,198,275) in view of Cross (4,863,772). Klein (5,198,275) teaches a card stock sheet for making business cards (col. 2, line 47) or a label (col. 3, line 13) comprising a lift out panel (laminate facestock with front and back side and first and second edges) with rectangular score cuts (facestock cut lines), an adhesive, and a backing sheet (liner sheet) with perforations (liner sheet cut lines, defining liner sheet strips) (figure 6). From figure 8 it can be seen that there is an infeed edge. From figure 6 it can be seen that the backing sheet (liner sheet) covers at least one of the lift out panel rectangular score cuts (facestock cut lines). From figure 3 it can be seen that the liner sheet strips extend across the width of the laminate facestock parallel to one another and that the rectangular score lines define a waste border portion of the laminate facestock. From figure 3 the laminate member can be seen to have rectangular score cuts (frame cut lines) and score cuts (grid cut lines). From figure 8 it can be seen that the strips extend out beyond the edge of the face stock. Klein fails to teach a laminate facestock comprising a facestock sheet, an adhesive layer, and a film layer, a strip of liner sheet is approximately ½ inch wide, that alternating liner sheet strips have been removed,

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the infeed edge of the sheet is thinner than the body of the sheet, that the liner sheet strip width are different, or the distance of leading-edge cut line. Cross teaches a label stock with dry separation interface comprising a facestock which includes a facestock proper (facestock sheet, uncoated dry tag sheet), a pressure-sensitive adhesive, and a layer of low density polyethylene (film layer) (col. 5, lines 5-6), and a liner construction including a liner proper (liner sheet) made of bleached kraft paper (col. 5, lines 32-33) (figure 5). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the label stock of Cross as the card stock sheet of Klein because of the improved dry separation interface of Cross. Also, it would have been obvious an obvious matter of design choice to alter the width of any of the strips in the liner, the thickness of the infeed edge, the widths of the liner sheet widths, or distance of leading-edge cut line, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955). Plus, it would have been obvious to one of ordinary skill in the art at the time of the invention to remove alternating liner sheet strips from the laminate facestock because it would improve surface traction in a printer and make the laminate more flexible.

5. Claims 7, 18, 19, 30, 41, 54, 71, and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klein (5,198,275) in view of Cross (4,863,772) as applied to claims 1-6, 8-12, 14-17, 20-29 above, and further in view of Malhotra (5,885,678). The combination of Klein and Cross teach all the instant claim limitations except for the facestock sheet is a glossy

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cardstock, the adhesive is a hot melt adhesive, and the recited thickness of the layers. Malhotra teaches coated labels comprising a substrate (facestock sheet) comprising polyvinylchloride, MYLAR, polypropylene, or TESLIN (col. 5, lines 63-65). Also Malhotra teaches that prior art labels use hot melt adhesives in their labels (col. 2, lines 52-67). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the substrate of Malhotra as the facestock sheet of Klein and Cross because of its glossy appearance which would give the business cards a more stylish appearance to promote sales. Also, it would have been obvious to one of ordinary skill in the art at the time of the invention to use a hot melt adhesive in the structure of Klein and Cross because of the stronger adhesion properties of hot melt adhesives. Plus, it would have been an obvious matter of design choice to alter the thickness of any of the layers, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

6. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Klein (5,198,275) in view of Cross (4,863,772) as applied to claims 1-6, 8-12, 14-17, 20-29 above, and further in view of Carides (5,908,209). The combination of Klein and Cross teaches all the instant claim limitations except for the liner cut lines extending at angles. Carides teaches multi-ply labels with liner cut lines at angles. It would have been obvious to one of ordinary skill in the art at the time of the invention to have the liner cut lines extending at angles in the combination of Klein and Cross as taught by Carides because it would help facilitate easy removal of the release layer.

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Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Chevalier whose telephone number is (703) 305-1139. The Examiner can normally be reached on Monday through Thursday from 8:00 a.m. to 5:00 p.m. The Examiner can also be reached on alternate Fridays

If attempts to reach the Examiner are unsuccessful, the Examiner's supervisor, Ellis P. Robinson can be reached by dialing (703) 308-2364. The fax phone number for the organization official non-final papers is (703) 305-5436. The fax number for after final papers is (703) 305-3599.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose phone number is (703) 308-0661.

ac



July 1, 2000



**Ellis Robinson
Supervisory Patent Examiner
Technology Center 1700**